23. (Amended) A method according to Claim 21, further comprising a step of counting a number of communications performed by the communication apparatus to each [partner] <u>communication apparatus at the calling</u> station corresponding to the respective registered ID information stored in the memory, wherein said update step updates the respective communication protocol for each [partner] <u>communication</u> apparatus when said counting step has counted a predetermined number of communications for that [partner] <u>communication apparatus at the calling</u> station.

24. (Amended) A method according to Claim 18, wherein the ID information received at said receiving step is a telephone number of the [partner] <u>communication apparatus at the calling</u> station.

<u>REMARKS</u>

This application has been carefully reviewed in light of the Office Action dated January 19, 1999. Claims 1-24 remain pending, with Claims 1-3, 6-8, 11, 13, 16, 17, 18, 20, 23 and 24 having been amended in terms which more clearly

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define the present invention. Claims 1, 6, 11 and 18 are

independent. Favorable reconsideration is requested.

In the Office Action, Claims 1-10 were rejected

under 35 U.S.C. § 103 as obvious over U.S. Patent No.

5,661,568 (Ueno). Claims 11-24 were rejected under 35 U.S.C.

102 over Ueno.

As shown above, Applicant has amended independent

Claims 1, 6, 11 and 18 in terms which more clearly define the

present invention, and submits that the pending claims are

patentably distinct from the cited prior art for the

following reasons.

The present invention as defined in amended

independent Claim 1 is directed to a communication apparatus

having two data modems and two protocol modems, and which is

capable of executing plural kinds of communication protocols

using these modems. The communication protocols include a

first communication protocol for setting an operation mode of

the first data modem to communicate data by using the first

protocol modem to communicate protocol signals, and a second

communication protocol for setting the second data modem to

communicate data by using the second protocol modem to communicate protocol signals.

The apparatus then further includes a first detection means which detects a call signal, and a second detection means which detects ID information for identifying a communication apparatus at a calling station sent between call signals. A memory means stores information of a communication system of the communication apparatus at the calling station in association with the ID information of the communication apparatus at the calling station, a reading means reads the information of the communication system for detected ID information of the communication apparatus at the calling station from the memory means in accordance with the ID information of the communication at the calling station detected by the second detection means at the time of the detection of the call signal, and selects one of the first and second communication protocols to be executed in accordance with the read information of the communication system.

Thus, Claim 1 provides that:

(1) ID information identifying a communication apparatus at a calling station is stored.

(2) Information of a communication system of that apparatus is stored in accordance with the ID information.

(3) Registered information of the communication system is read out in accordance with the detected ID information.

(4) One of the first and second protocols is selected in accordance with the read-out information.

Amended independent Claim 6 is a method claim corresponding to amended Claim 1.

Ueno, which is assigned in common with the present application, is directed to a data communication apparatus that responds to a call signal and then detects information identifying a communication function of the destination station transmitted from the destination station. The data communication apparatus them performs communication in accordance with the detected information. That is, Ueno discloses structure for selecting a communication function of the destination station. Ueno does not select a communication protocol based on ID information identifying a

communication apparatus at a calling station, as recited in amended Claim 1.

Accordingly, amended Claims 1 and 6 are believed to be patentably distinguished from the cited prior art of record.

The present invention as defined in amended Claim 11 is directed to a communication apparatus capable of executing plural types of communication protocols for image communication. The apparatus comprises detection means for detecting reception of a call signal and receiving means for receiving ID information for identifying a <u>communication apparatus at a calling station</u> before a start of communication of a protocol signal relating to image communication. Selection means selects, on the basis of ID information that is received by the receiving means after the detection means detects reception of the call signal, at least one of the plurality of <u>communication protocols</u>; and communication means conducts communication with the communication apparatus at the calling station in accordance with the at least one communication protocol selected by the selecting means.

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Thus, as in amended Claim 1, Claim 11 recites a communication apparatus that, in reception, receives ID information of the communication apparatus at the calling station and uses that ID information to determine the protocol. Therefore, Applicant submits that Claim 11 and corresponding amended independent method Claim 18 are patentably distinct from Ueno for the same reasons as Claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All

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correspondence should be directed to our new address given below.

Respectfully submitted,

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